

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

WESLIE MARTIN,

Plaintiff,

v.

UNDERWOOD, *et al.*,

Defendants.

Case No. 3:23-cv-00423-MMD-CLB

ORDER

On September 25, 2023, Interested Party Nevada Department of Corrections filed a suggestion of death on the record in another of Plaintiff Weslie Martin's prisoner civil-rights cases, informing the Court that Martin passed away on September 11, 2023. See *Martin v. State of Nevada*, Case No. 3:21-cv-00365-RCJ-CSD, ECF No. 15. On December 6, 2023, this Court ordered under Federal Rule of Civil Procedure 25(a)(1) that any party or the decedent's successor or representative must file a motion for substitution within 90 days, and warned that failure to do so would result in dismissal of this case. (ECF No. 5.) That deadline expired and no person has filed a motion to substitute for the decedent under Rule 25.

It is therefore ordered that this action is dismissed under Federal Rule of Civil Procedure 25(a)(1).

The Clerk of Court is directed to enter judgment accordingly and close this case.

DATED THIS 11th Day of March 2024.


MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE